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Prevention of armed conflict

Implementation of General Assembly resolution 66/253 B on the situation in the Syrian Arab Republic

Report of the Secretary-General

I. Introduction

1. The present report is submitted in compliance with General Assembly resolution 66/253 B of 3 August 2012, in which the Secretary-General was requested to report to the Assembly, within 15 days, on the implementation of the resolution. The report provides an update on the implementation of the political, security, humanitarian and human rights aspects of the resolution during the period from 3 to 17 August.

2. The overall situation in the Syrian Arab Republic continued to deteriorate during the reporting period, with the most intense fighting seen to date taking place in Aleppo. The Government of the Syrian Arab Republic and elements of the armed opposition continued to engage in violent confrontation. The Government remained convinced that it would be able to succeed militarily against the opposition and refused to engage in any political dialogue or move forward with the promised implementation of the six-point plan unless the opposition lay down arms. The armed opposition was equally convinced that its military efforts would succeed in toppling the leadership of the country and refused to accept the Government's preconditions for dialogue. Temporary, localized reductions in troop strengths were seen in some areas although, in others, the conflict intensified. Armed opposition elements launched offensives in Aleppo and Damascus, while government forces maintained their use of heavy weapons in and around population centres and significantly increased the use of fixed- and rotary-wing aircraft in their operations.

3. The humanitarian situation remained dire and continued to deteriorate as fighting in and around urban centres increased. The estimated number of internally displaced persons surpassed 1 million. As at 17 August, more than 170,000 Syrians had sought refuge across international borders. Such levels of internal and international displacement, against a backdrop of destruction of civilian infrastructure and residences in areas of origin, posed significant problems for many

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communities across the country. Both Government and opposition groups continued to commit gross human rights violations.

4. International diplomatic efforts continued to lack unity and cohesion, despite some attempts to address the situation in the Syrian Arab Republic over the past few weeks. The Government of the Republic of Iran held a meeting of 30 nations on 9 August, and Saudi Arabia hosted a summit meeting of the Organization of Islamic Cooperation on 14 and 15 August.

II. Update on the implementation of General Assembly resolution 66/253 B

5. During the reporting period, I continued to engage Member States and regional organizations in providing support for the efforts of the Joint Special Envoy of the United Nations and the League of Arab States to Syria to reach a political solution to the Syrian crisis. At the same time, the Office of the Joint Special Envoy and the United Nations Supervision Mission in the Syrian Arab Republic (UNSMIS) continued to engage in consultations with members of the Government and members of the opposition, in order to elicit views on possible arrangements to underpin a peaceful political transition.

6. In the past few weeks, the political and armed opposition made several attempts to put forward visions for a transition in the Syrian Arab Republic, including a proposal by some groups to establish a transitional government or a government in exile. However, those plans lacked the necessary broad consensus among the various groups inside and outside the country, underlining the opposition's difficulties in agreeing on an approach to a transitional process at this stage. The Government also attempted to begin a political process through the appointment of a Minister for National Reconciliation to act as an empowered interlocutor. However, the Minister did not find universal acceptance among the opposition.

7. Ultimately, these efforts to implement an inclusive, Syrian-led political transition were overcome by the dramatic change in the military situation on the ground, which shifted the focus of both parties away from the kind of political transition envisaged in the Geneva communiqué of 30 June and the six-point plan endorsed by the Security Council in its resolution 2042 (2012). Events on the ground demonstrated that the Government of the Syrian Arab Republic remained convinced of its ability to defeat the opposition militarily. The Government refused to make the departure of President Assad a precondition for political dialogue and declined to engage in such a dialogue until after the culmination of the military operation in Aleppo. For its part, the Syrian opposition seemed to believe that the Government had begun a process of collapse, facing additional high-level defections and a better coordinated opposition. Convinced that its military efforts would succeed in toppling the current Syrian leadership, the armed opposition refused to accept the Government's preconditions for dialogue and increased its use of violence, including in major cities, as a means to an end to the conflict.

8. I am particularly concerned by reports that outside parties are participating in providing support, fuelling each side's reliance on violence. If these reports are true, those providing weaponry to the two sides are contributing directly to the

deterioration of the situation on the ground. In some cases, reports of arms shipments suggest violations of Security Council resolutions adopted under Chapter VII of the Charter of the United Nations. I call on all Member States with influence over the Government of the Syrian Arab Republic or opposition forces to promote a peaceful resolution rather than the use of force.

9. During the reporting period, UNSMIS sought to obtain confirmation of the conditions set out in Security Council resolution 2059 (2012), while continuing to seek all opportunities for dialogue in support of the Joint Special Envoy's six-point plan. The cessation of the use of heavy weapons and of armed violence by all sides, as set out in the relevant Security Council and General Assembly resolutions, the Joint Special Envoy's six-point plan and the communiqué of the Action Group, was not achieved. While there were temporary, localized reductions in the use of heavy weapons and the level of violence, and prospects for limited humanitarian pauses increased in Homs, in other areas of the country, particularly in Aleppo, the conflict intensified. The use of heavy weapons continued, while troop withdrawals, where seen, were assessed by UNSMIS to be tactics to redirect forces in preparation for or in response to confrontations elsewhere. Opposition armed groups were also reported to have moved their forces in order to initiate or sustain operations. Two such instances were the armed opposition-initiated offensives in the cities of Damascus and Aleppo, which were met by forceful Government retaliatory operations, involving the use of heavy weapons in densely populated areas.

10. UNSMIS observed a situation of variable but continuing conflict, as well as the ongoing use of artillery, tanks, helicopters and other aircraft in Deir-ez-Zor, Homs, Rif Damascus and Aleppo. Between 3 and 17 August, rotary wing aircraft were observed firing into Aleppo and Deir-ez-Zor on four occasions, while fixed-wing aircraft were seen firing in Homs on 9 August. The reporting period was marked by the ongoing and sustained military ground operations undertaken in Aleppo, and shelling was observed in other locations on a regular but intermittent basis, showing no indication of sustained cessation of the use of heavy weapons. Small arms clashes initiated by both sides were also constant across the areas observed by UNSMIS. The use of improvised explosive devices by the armed opposition also continued, including an alleged attack on a Syrian television station on 6 August in Damascus and an explosion on 15 August at a military installation in the vicinity of the UNSMIS headquarters, for which the opposition claimed responsibility.

11. In the light of emerging concerns about the threat of the use and transfer of chemical or biological weapons, on 27 July, I sent a letter to President Assad, in which I voiced my own grave concerns and appealed to the President to refrain from using any such weapons under any circumstances. I emphasized the fundamental responsibility of the Government of the Syrian Arab Republic to ensure the safety and security of any stockpiles of weapons of mass destruction, including chemical weapons. On 31 July, I received a response from the Deputy Prime Minister of the Syrian Arab Republic, which noted that the country was party to and abided by the Geneva Protocol (of 17 June 1925) for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare.

12. I am also concerned about the potential for the conflict to negatively affect the stability of Syria's neighbours. In that regard, alarming reports of hostage-taking

and retaliatory kidnappings in the Syrian Arab Republic and Lebanon have added to social and regional tensions. The six-point plan demands the release of persons unjustly detained. It is my firm conviction that all parties must release persons detained against their will and held without due process. Hostage-taking by any party is unacceptable. The human rights of civilians must be scrupulously protected.

13. I have also seen credible reports of explosives being smuggled from the Syrian Arab Republic into Lebanon, allegedly with the purpose of undermining Lebanon's stability, and of weapons being smuggled into the Syrian Arab Republic, which contributes to further militarization of the conflict. I have long expressed concern about the smuggling of weapons in either direction across the Lebanese-Syrian border, which is a violation of Security Council resolution 1701 (2006). I call on all parties to take measures to halt this dangerous and illegal trade.

14. The humanitarian situation in the Syrian Arab Republic deteriorated even more significantly during the reporting period. The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator visited the Syrian Arab Republic and Lebanon from 13 to 16 August to assess the humanitarian situation and to discuss ways to increase humanitarian assistance to those in need. The number of people affected by the conflict has more than doubled since the initial humanitarian assessment in March 2012. At the time of writing, United Nations agencies estimated that over 2.5 million people were in need of humanitarian assistance in the Syrian Arab Republic, including 1.2 million internally displaced persons. The use of heavy weapons and artillery in highly populated areas was having a serious impact on civilians. Although the United Nations was unable to confirm exact numbers, there were widespread reports of civilians killed and injured in the fighting. Civilians who had been displaced and persons living in conflict zones had little or no access to essential services, including health care and education. Fewer than 56 per cent of primary health facilities and 50 per cent of hospitals were assessed as still fully functional. Some health facilities were reportedly occupied or targeted by the parties to the conflict. Socioeconomic conditions continued to deteriorate, with food prices tripling in some areas. Serious shortages of fuel and essential medicines were also reported.

15. The capacity of host communities in the Syrian Arab Republic to support persons who had fled from violence was exhausted. As a result, many internally displaced persons sought shelter in schools, mosques and other public buildings, which were ill-equipped to host them. As at 7 August, the Ministry of Education reported that internally displaced persons were being sheltered in 271 schools across 12 of the country's 14 governorates, and close to 9,000 had sought shelter in 17 United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) schools. They lacked water and adequate sanitation services and were in urgent need of non-food items, food and health care. Palestinian and Iraqi refugees in the Syrian Arab Republic were increasingly affected. UNRWA estimated that up to 385,000 Palestinian refugees — about 80 per cent of the Palestinian refugees registered in the Syrian Arab Republic — had been affected.

16. A growing number of Syrians sought refuge in neighbouring countries. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), there were more than 170,000 refugees registered as at 17 August, spread across Iraq (15,096), Jordan (46,898), Lebanon (46,672) and Turkey (61,450). According to the United Nations Children's Fund (UNICEF), three quarters of the

refugees were women and children. Host Governments and UNHCR were providing assistance to registered refugees. In addition, it was believed that a significant number of Syrians had crossed to neighbouring countries without registering as refugees and were staying with relatives or in private accommodation.

17. Heightened insecurity continued to impede humanitarian operations inside Syrian Arab Republic. In Aleppo, the Syrian Arab Red Crescent reported that it had had to suspend most of its activities owing to the dangers facing its workers on the ground. It was not possible to ensure the safety and security of personnel involved in humanitarian assistance. The World Food Programme (WFP), which planned to provide food assistance to 850,000 people in July, was unable to reach its target owing to delays in distribution caused by violence. In Dera'a, most of UNRWA's operations were suspended.

18. Underfunding remained another significant challenge faced by humanitarian organizations. As at 17 August, the $180 million humanitarian response plan for the Syrian Arab Republic was 45 per cent funded, with the water, sanitation and hygiene sector only 20 per cent funded and health care only 30 per cent funded. The plan was being revised to reflect an increase in the number of individuals targeted for humanitarian assistance from the original target of 1 million people to 2.5 million people. The $193 million Revised Syria Regional Response Plan was only 33 per cent funded. The Central Emergency Response Fund had disbursed $32.6 million as at 17 August for the response in Syrian Arab Republic and neighbouring countries.

19. Despite these challenges, humanitarian organizations scaled up their response in both government and opposition-held areas. WFP has quadrupled the number of people receiving food assistance since March 2012. As at 17 August, non-food items had been provided to more than 270,000 people and the World Health Organization (WHO) had given health kits to the Ministry of Health and the Syrian Arab Red Crescent to cover the health needs of 700,000 people in 2012. Water and sanitation services were being provided for internally displaced persons sites and communities, with 300,000 people assisted in Homs as at 17 August.

20. The Office of the High Commissioner for Human Rights (OHCHR) continued to receive credible reports that both Government and armed opposition forces were acting in breach of international human rights and humanitarian law. Arbitrary arrests and detentions, torture and extrajudicial executions by government forces continued to be reported. Restrictions on access to health care, attacks on hospitals, and military occupation of health facilities or detention and arrest of medical personnel by Government forces continued to aggravate the humanitarian situation. At the same time, there were increasing reports of abductions, torture and ill-treatment, extrajudicial killings and summary executions of captured Government forces, pro-Government militia and civilians by armed opposition groups. A recent incident was the abduction of four journalists of a pro-Government television station, one of whom was killed and the rest released, and the killing of another journalist working for a State-run television station by the Free Syrian Army on 10 and 11 August, respectively. OHCHR also received reports that armed opposition groups were deploying snipers who targeted civilians. Reports that armed opposition groups were taking on judicial functions through the so-called "Religious Justice Council" and handing down death sentences was of deep concern. Both parties to the conflict violated the rights of children. In OHCHR's estimation, the serious

violations of international humanitarian law committed by Government and armed opposition forces may amount to war crimes.

21. The overall escalation in hostilities restricted the ability of UNSMIS to implement the full scope of its mandated responsibilities and necessitated the temporary withdrawal of half of its original military observer contingent, with a further reduction to 100 observers between 10 and 13 August. In that context, UNSMIS was unable to verify information reported on the parties' violations of human rights, including acts of sexual violence, continued arbitrary detentions and alleged summary executions. The mission nevertheless sought to assess the impact of the conflict on civilians where possible, conducting visits to observe the status and conditions of medical facilities in some areas, and visiting areas with concentrations of internally displaced persons. UNSMIS witnessed shortages of medical supplies at hospitals and difficult conditions at internally displaced persons camps, including a lack of food and basic services. It also visited the Homs prison in order to assess the situation after violence at the site. With the exception of Homs, the mission has had only limited access to current detainees and has had difficulty engaging with released detainees owing to the security situation.

22. Requests for visits to the Syrian Arab Republic by special procedures mandate-holders of the Human Rights Council, including the Special Rapporteur on the right to freedom of association and peaceful assembly and the Special Rapporteur on the human rights of internally displaced persons remained pending. However, on 3 August, the Government of the Syrian Arab Republic responded to a request for a visit by the Special Rapporteur on extrajudicial, summary or arbitrary executions and noted that it viewed positively his proposal to visit the country to offer recommendations within his mandate.

23. Despite the visit of the Chair of the independent international commission of inquiry on the Syrian Arab Republic to Damascus from 23 to 25 June to discuss the commission's work with the Syrian authorities, the commission was not granted access to the country to fulfil its mandate. Despite access limitations, the commission is to present its report, published on 15 August (A/HRC/21/50), at the twenty-first session of the Human Rights Council in September 2012. A confidential list of individuals and units believed to be responsible for crimes against humanity, breaches of international humanitarian law and gross human rights violations will be provided to the High Commissioner for Human Rights at the close of the commission's current mandate in September.

III. Conclusions

24. The United Nations remains committed to assisting the Syrian people in building a Syrian-led alternative to the use of force and in determining a path, backed by united international support, to come to the negotiating table and move towards a democratic, plural political system, with equal rights for all. The resolutions of the Security Council and the General Assembly continue to provide the basis for the efforts of the Joint Special Envoy to focus on a political transition, while also working towards the achievement of a cessation of violence in the Syrian Arab Republic through the full implementation of the six-point plan.

25. Moving forward, I will continue to work with all parties to bring about an early resolution of the conflict and an end to violence. Within the constraints

imposed by the conditions on the ground, the United Nations country team will continue its important work in helping to alleviate the suffering of the Syrian people and the United Nations humanitarian agencies will remain active. The United Nations cannot discontinue its support and assistance in helping the Syrian people find an end to the crisis. Rather, we must adapt to the situation while pursuing our efforts to support the Syrians in taking the steps that they identify towards a negotiated and inclusive political settlement.

26. Political efforts to mitigate and contain the worst effects of the conflict are a priority, while we also work to ultimately help the parties to resolve the crisis. One of the greatest risks is a descent into a full-scale civil war. United Nations engagement with all sectors of Syrian society, including women and young people, to develop channels of communication across communal divides and, potentially, build areas of consensus, is essential for finding ways to protect communities from the worst effects of a civil war. This should be considered one of the most urgent priorities of the United Nations.

27. It is our responsibility to do all we can to stop the violence among the Syrian people and to assist them in reconciling their differences so that they can build a future that meets their legitimate aspirations. While we mobilize the United Nations system to support the people of the Syrian Arab Republic, we must remind the parties and, above all, the Government, that they have the primary responsibility for resolving the crisis that is currently devastating their country.

28. All parties to the conflict are conducting military operations within heavily populated areas with blatant disregard for their obligations under international humanitarian law. Specifically, the Syrian authorities did not make the first step in the cessation of violence. While the Government has the primary responsibility to protect civilians, the armed opposition also has legally binding obligations under international law in that regard. Forces deployed in populated areas must not locate military objectives in or around population centres and must ensure that any use of force is in line with the principles of proportionality and distinction. Both parties have an obligation to take the necessary precautions to minimize injury and death among civilians and damage to civilian objects. All perpetrators of international crimes and other gross human rights violations, including acts of sexual violence, should be held accountable, irrespective of their affiliation.

29. I am extremely concerned about the continuing militarization of the conflict in the Syrian Arab Republic, which has grave humanitarian consequences. I appeal to outside parties, especially the regional countries, and emphasize their responsibility to do all they can to end this trend. I call on the Security Council and the General Assembly to work in search of a common ground to help the Syrian people to end the violence and start charting a way towards an inclusive, peaceful and democratic future. I once again urge the Government of the Syrian Arab Republic and the armed opposition to abandon a military solution, cease military activities, engage in dialogue, protect civilians, and abide by their obligations under international human rights and humanitarian law. I urge all parties, especially the Government of the Syrian Arab Republic, to ensure full and unconditional humanitarian access, without delay, to those in need.

30. In conclusion, I would like to express my deep appreciation to Joint Special Envoy Annan, who embarked on his challenging assignment with courage and determination and sought to unite the world around key principles for ending the

suffering in the Syrian Arab Republic and charting a way towards a Syria that meets the aspirations of its people and preserves its institutions, unity and territorial integrity. The important work he has undertaken must continue. I also express my deep appreciation to the military observers and civilian staff of UNSMIS and to the United Nations country team in the Syrian Arab Republic for their dedicated work under challenging conditions.

31. In the light of Mr. Annan's decision to step down at the end of August 2012, in consultation with Secretary General Nabil Elaraby of the League of Arab States, I appointed Lakhdar Brahimi as Joint Special Representative of the United Nations and the League of Arab States for Syria on 17 August. I appreciate Mr. Brahimi's willingness to bring his considerable talents and experience to the crucial task of ending the violence and the suffering in the Syrian Arab Republic, for which he will need, and rightly expects, the strong, clear and unified support of the international community, including the Security Council and the General Assembly. Diplomacy to promote a peaceful resolution to the conflict in the Syrian Arab Republic remains a top priority for the United Nations. More fighting and militarization will only exacerbate the suffering and make the path to a peaceful resolution of the crisis in accordance with the legitimate aspirations of the Syrian people more difficult.